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10 County, and Municipal Employees Local 3299

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SACRAMENTO**

AMERICAN FEDERATION OF STATE,  
COUNTY, AND MUNICIPAL  
EMPLOYEES LOCAL 3299,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA,

Respondent,

UNIVERSITY OF CALIFORNIA, DAVIS  
HEALTH; and WEXFORD SCIENCE &  
TECHNOLOGY, LLC,

Real Parties in Interest.

34-2020-80003556

Case No.

Filed Under the California Environmental  
Quality Act ("CEQA")

**VERIFIED PETITION FOR WRIT OF  
MANDATE**

(CEQA, Pub. Res. Code §21000, *et seq.*;  
Code of Civil Procedure §§1094.5, 1085)

BY FAX

1 **INTRODUCTION**

2 1. Petitioner American Federation of State, County, and Municipal Employees Local  
3 3299 brings this lawsuit to challenge the unlawful actions of Respondent The Regents of the  
4 University of California in approving the University of California Davis’ Sacramento Campus  
5 2020 Long Range Development Plan Update and Aggie Square Phase I (“the Project”),  
6 certifying the Supplemental Environmental Impact Report for the Project, and making related  
7 findings.

8 2. The Project has two components: (1) the 2020 Long Range Development Plan  
9 Update for the Sacramento Campus for the University of California, Davis (“2020 LRDP  
10 Update”), and (2) a specific project on the Sacramento Campus named Aggie Square Phase I  
11 (“Aggie Square”).

12 3. The 2020 LRDP Update is an update to the 2010 Long Range Development Plan  
13 meant to guide future growth and development on the approximately 146-acre UC Davis  
14 Sacramento Campus.

15 4. The 2020 LRDP Update anticipates 7.07 million gross square feet of buildings  
16 and an on-campus population of 21,200 persons.

17 5. Aggie Square involves the construction of four new buildings on a 9.55-acre  
18 parcel on the Sacramento Campus for academic, office, and residential purposes.

19 6. UC Davis prepared and certified a Supplemental Environmental Impact Report  
20 that included a programmatic-level analysis for the 2020 LRDP Update and a project-level  
21 analysis for Aggie Square (collectively, the “SEIR”).

22 7. The SEIR does not comply with multiple requirements of the California  
23 Environmental Quality Act (“CEQA”), Public Resources Code §21000, *et seq.*, and the CEQA  
24 Guidelines, title 14, California Code of Regulations §15000, *et seq.* In particular, the Regents  
25 certified an SEIR that did not properly analyze or mitigate the Project’s significant  
26 environmental effects, including on growth and housing, energy, transportation and traffic, and  
27 greenhouse gases. The SEIR is also deficient in failing to analyze a reasonable range of  
28 alternatives and the Regents’ findings on this issue are inadequate. Finally, the SEIR should

1 have been recirculated after significant new information was disclosed to the public for the first  
2 time in the Final SEIR.

### 3 **PARTIES**

4 8. Petitioner American Federation of State, County, and Municipal Employees  
5 Local 3299 (“Local 3299”) is a public services employee union representing tens of thousands  
6 of members throughout the University of California system. Local 3299’s purposes include  
7 advocating for vital services that keep Local 3299 members and their families safe, safeguard  
8 their livelihood, make their communities strong, and protect the environment. Local 3299’s  
9 members are predominantly people of color and are amongst the University of California’s  
10 lowest-paid workers. More than 3,000 Local 3299 members live in the Sacramento region; an  
11 estimated 200 members live near the Project, of whom approximately 70 percent are people of  
12 color. These members have legally cognizable interests in the Project and will be negatively  
13 affected by the Project’s adverse environmental impacts and improper approval.

14 9. The interests of Local 3299 and its members are unique and will be directly  
15 impacted by the Project. Local 3299 brings this action on behalf of itself, its members, and in  
16 the public interest. Local 3299 and its members have a direct and beneficial interest in  
17 compliance with laws bearing upon approval of the Project. These interests will be directly and  
18 adversely affected by the Project, which violate provisions of law as set forth in this Petition and  
19 would cause substantial harm to the natural environment and the quality of life in the  
20 surrounding community. In addition, increased demand for housing in the area surrounding the  
21 proposed Project is likely to harm Local 3299’s members who live in the area by raising rents,  
22 thereby causing economic injury or displacement or both. Even a modest increase in rent would  
23 have a destabilizing effect on the low-wage members who live near the Project. Further,  
24 displacement of residents who live and work in the area of the Project will lead to an increase in  
25 greenhouse gas emissions to the extent those people will need to drive rather than walk to work.  
26 The maintenance and prosecution of this action will confer a substantial benefit on the public by  
27 protecting the public from the procedural, environmental, and other harms alleged herein.

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1           10. Respondent The Regents of the University of California is a public trust  
2 corporation and state agency established pursuant to the California Constitution vested with  
3 administering the University of California including the management and disposition of facilities  
4 at the UC Davis Sacramento Campus. The Regents is the lead agency under CEQA for  
5 consideration of certification of the SEIR and has principal responsibility for approving the 2020  
6 LRDP Update and Aggie Square.

7           11. Real Party in Interest University of California, Davis Health, is listed as the  
8 applicant on the Notices of Determination for both the 2020 LRDP Update and Aggie Square.

9           12. Real Party in Interest Wexford Science & Technology, LLC, is a limited liability  
10 company formed under the laws of the State of Delaware and is listed as a party undertaking the  
11 project on the Notice of Determination for Aggie Square.

12   **JURISDICTION AND VENUE**

13           13. This Court has jurisdiction over the matters alleged in this Petition pursuant to  
14 Code of Civil Procedure §§1085 and 1094.5 and Public Resources Code §§21168 and 21168.5.

15           14. Venue is proper in this Court because the Project is located in the County of  
16 Sacramento.

17   **TIMELINESS**

18           15. This action is timely filed within all applicable statute of limitations.

19   **STANDING**

20           16. Local 3299 has standing to assert the claims alleged in this Petition because it is  
21 beneficially interested in this matter, as required by Code of Civil Procedure §1086. Local 3299  
22 has a direct and beneficial interest in compliance with laws bearing upon approval of the Project.  
23 These interests will be directly and adversely affected by the Project, which violates the law as  
24 set forth in this Petition and would cause substantial harm to the natural environment and the  
25 quality of life in the surrounding community. In addition, unless the relief requested herein is  
26 granted, the environment will be adversely affected and injured by the Regents' failure to  
27 comply with CEQA when certifying the SEIR and approving the Project.

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1           17. Local 3299 actively participated in the Project's administrative approval process  
2 in an attempt to ensure the Regents complied with CEQA and all other applicable laws.

3   **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4           18. Local 3299 has actively participated in the administrative and environmental  
5 review process prior to close of the public hearings on the Project and before the issuance of the  
6 Notices of Determination. Local 3299 has fully exhausted administrative remedies to the extent  
7 required by law. Pub. Res. Code §21177(a).

8           19. CEQA allows a petitioner who objected to a project to allege in a petition all  
9 deficiencies asserted by others. *California Clean Energy Committee v. City of Woodland* (2014)  
10 225 Cal.App.4th 173, 191. Local 3299, agencies, interested groups, and individuals commented  
11 on the Project and raised each of the legal deficiencies asserted in this Petition.

12           20. The Regents has taken final agency actions certifying the SEIR and adopting  
13 related Project approvals and findings. The Regents had a mandatory duty to comply with all  
14 applicable laws, including CEQA, prior to undertaking the discretionary approvals at issue in this  
15 Petition. Local 3299 possesses no effective remedy to challenge the Project approvals at issue in  
16 this action other than by means of this lawsuit.

17   **NOTICE OF CEQA SUIT**

18           21. On December 10, 2020, Local 3299 served a notice of its intent to file this  
19 lawsuit, in accordance with Public Resources Code §21167.5. A copy of the written notice letter  
20 is attached as Exhibit 1.

21   **PREPARATION OF ADMINISTRATIVE RECORD**

22           22. Pursuant to Public Resources Code §21167.6(b)(2), Local 3299 elects to prepare  
23 the record of proceedings in this action. A copy of Petitioner's Notice of Intent to Prepare  
24 Administrative Record is attached as Exhibit 2.

25   **IRREPARABLE HARM**

26           23. Local 3299's members live, work, and recreate near the Project site and in the  
27 County of Sacramento. They have been and will continue to be harmed by the Regents' failure  
28 to provide environmental documents that accurately and fully inform interested persons of the

1 Project's true impacts and by the failure to mitigate those impacts. Documents that comply with  
2 CEQA would lead to better environmental decision making regarding the Project, and would  
3 enable all residents, landowners, and business owners in the affected region to better understand  
4 the true environmental effects of the Project.

5 24. Local 3299 has no plain, speedy, or adequate remedy in the course of ordinary  
6 law unless this Court grants the requested writ of mandate to require the approval of the Project  
7 be set aside. In the absence of such remedies, the Regents' decisions will remain in effect in  
8 violation of state law and Local 3299 and its members will be irreparably harmed.

### 9 **PROCEDURAL ALLEGATIONS**

10 25. A Draft SEIR was released for public review in July 2020. The Draft SEIR  
11 addressed the 2020 LRDP Update in Volume 1 and Aggie Square in Volume 2.

12 26. Several parties provided written comments on the Draft SEIR, including Local  
13 3299, other organizations, public agencies, and individual members of the public.

14 27. In November 2020, the Final SEIR for the Project was released. The Final SEIR  
15 addressed the 2020 LRDP Update in Volume 1, Aggie Square in Volume 2, and comments on  
16 the Draft SEIR and other matters in Volume 3.

17 28. On November 19, 2020, the Regents held a hearing on the Project and certified  
18 the Final SEIR, approved the 2020 LRDP Update and Aggie Square, and made related findings.

### 19 **FACTUAL ALLEGATIONS**

#### 20 **The Project and Project Site**

21 29. The Project consists of the 2020 LRDP Update and Aggie Square.

22 30. The 2020 LRDP Update is intended to guide future growth and development on  
23 the approximately 146-acre UC Davis Sacramento Campus, which is located approximately 2.5  
24 miles southeast of downtown Sacramento and 17 miles east of the University's main campus in  
25 Davis. Final SEIR, Volume 1 at ES-1. The 2020 LRDP Update's analysis is based on  
26 projections for 2040 of an on-campus population of 21,200 persons and building space of  
27 7,070,000 gross square feet. *Id.*

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1           31.     The Aggie Square component of the Project is a specific development that is part  
2 of the 2020 LRDP and involves the construction of four new buildings on a 9.55-acre parcel on  
3 the Sacramento Campus. Final SEIR, Volume 2 at 1-2, 2-1 to 2-2. The four buildings total  
4 approximately 1,233,290 gross square feet, with an additional 549,996 gross square feet of  
5 parking structure space. Final SEIR, Volume 2 at 2-2. One of the buildings is a 329,530 gross  
6 square foot office, classroom, and co-working space in a 10-story building named the Lifelong  
7 Learning Tower. Final SEIR, Volume 2 at 2-3. Two of the buildings are to be used for Life  
8 Science Technology Engineering and would total 620,260 gross square feet, with each eight  
9 stories. Final SEIR, Volume 2 at 2-3. The fourth building is a seven story 283,500 gross square  
10 foot apartment building (with ground floor community space) containing 324 multi-family  
11 apartment units, expected to house 411 people. Final SEIR, Volume 2 at 2-3 to 2-4. The Aggie  
12 Square component of the Project will increase the daily population of the area by 3,983 people.  
13 Final SEIR, Volume 2 at 2-5.

#### 14 **Growth Inducement and Housing**

15           32.     The Project would result in an additional 5,159 employees and 930 additional  
16 students by 2040. Final SEIR, Volume 1 at 2-6. Yet the Project would only provide housing  
17 for 411 new residents. *Id.* The additional employees and students the Project brings to the area  
18 would dwarf the new housing. This is problematic because, for instance, the greater workforce  
19 growth in comparison to the housing growth means that employees will need to commute to  
20 work with all the attendant environmental effects.

21           33.     The SEIR defends the growth as minimal in relation to regional growth. Final  
22 SEIR, Volume 1 at 5-5. A regional comparison does not account for, mitigate, and analyze  
23 alternatives to the specific growth-inducing effects of the Project in the particular area in which  
24 it is located, including relating to housing.

25           34.     Nor does the SEIR adequately discuss the possibility of building additional  
26 housing in conjunction with the Project.

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1 **Energy**

2 35. The SEIR failed to conduct a good faith reasoned analysis of cost-effective  
3 renewable energy for the Project. For example, the Sacramento Metropolitan Air Quality  
4 Management District pointed out in a comment that the Draft SEIR did not include any  
5 measures for zero-emission solar or fuel cell alternatives for the Project’s fossil fueled backup  
6 generators. In response, the Final SEIR revised Mitigation Measure LRDP-AQ-3b to state only  
7 that zero-emission equipment could be used (but is not required to be used) to replace existing  
8 diesel engines. Final SEIR, Volume 3 at 4-4. There is no other discussion in the SEIR about  
9 zero-emission equipment being used in lieu of diesel engines.

10 36. The SEIR failed to address adequately the wise and efficient use of energy as  
11 required by CEQA. For instance, the SEIR did not discuss decreasing overall per capita energy  
12 consumption. But electricity usage would increase nearly four times under the Project  
13 compared to current conditions (Final SEIR, Volume 1 at 3.5-12) and the population of the  
14 campus is only expected to increase by 50 percent (Final SEIR, Volume 1 at 2-6). There is no  
15 explanation for this dramatic disparity or how such a big increase in per capita energy  
16 consumption constitutes wise and efficient use of energy.

17 **Transportation and Traffic**

18 37. The SEIR’s discussion of transportation and traffic issues is deficient.

19 38. The California Department of Transportation (“Caltrans”) submitted a comment  
20 noting that Caltrans anticipated an increase in vehicular, bicycle, and pedestrian traffic from the  
21 Project that could potentially affect the U.S. 50 interchange ramps at Stockton Boulevard.  
22 Accordingly, Caltrans recommended a safety analysis be conducted on existing and projected  
23 vehicular, bicycle, and pedestrian volumes and the sight distance at the U.S. 50 interchange  
24 ramps at Stockton Boulevard.

25 39. The Final SEIR responded to Caltrans by stating that Caltrans was responsible  
26 for conducting the safety analysis. Final SEIR, Volume 3 at 2-17. No safety analysis for the  
27 U.S. 50 interchange ramps at Stockton Boulevard was conducted prior to certification of the  
28 SEIR.



1           40.     In addition, the SEIR’s analysis of transportation effects does not take into  
2 account the SEIR’s finding in the air quality section that the Project would result in increased  
3 vehicle miles traveled. In particular, the air quality section of the SEIR finds that daily vehicle  
4 miles traveled would almost double from 397,448 to 719,047. Final SEIR, Volume 1 at 3.2-34.

5 **Greenhouse Gases**

6           41.     The SEIR’s discussion of greenhouse gas effects is inadequate. For instance, the  
7 Regents’ Sustainable Practices Policy requires that the Sacramento Campus obtain 100 percent  
8 clean electricity and at least 40 percent of the natural gas combusted onsite be biogas by 2025.  
9 Final SEIR, Volume 1 at 3.7-2. But the SEIR contains no discussion specific to how the Project  
10 would advance or hinder meeting those requirements.

11 **Alternatives**

12           42.     The SEIR only gave a cursory consideration to what it labeled a “Housing-  
13 Focused Alternative.” Final SEIR, Volume 1 at 6-5. “This alternative would convert proposed  
14 education and research buildings to housing along V Street at 49th Street south of the existing  
15 nursing building to increase the overall number of housing units on the Sacramento Campus.”  
16 *Id.* In addition to increasing housing, the SEIR concedes that the Housing-Focused Alternative  
17 could reduce vehicle miles traveled. *Id.* This in turn would reduce traffic effects and  
18 greenhouse gas emissions.

19           43.     It is unclear why the Regents did not adopt the Housing-Focused Alternative. It  
20 appears that there was a concern that the alternative did not meet every Project objective. *See*  
21 *id.* But the alternative would meet at least one Project objective better than the Project itself:  
22 “Support access to jobs and services to a more diverse population, including providing housing  
23 and transportation opportunities and community-serving uses.” Final SEIR, Volume 1 at 6-2.

24           44.     Moreover, the SEIR only considered an additional housing alternative that would  
25 reduce the Project’s ability to fulfill other needs. *See* Final SEIR, Volume 1 at 6-5. The SEIR  
26 did not even consider increasing the overall number of housing units on campus without that  
27 trade-off – by, for example, making the seven-story apartment building at least as tall as the  
28 other proposed Aggie Square buildings of eight and ten stories. Building additional housing

1 while maintaining the other proposed uses would greatly reduce environmental effects,  
2 including traffic, while meeting all of the Project’s stated objectives.

### 3 **CEQA LEGAL BACKGROUND**

4 45. CEQA mandates that “the long-term protection of the environment . . . shall be  
5 the guiding criterion in public decisions” throughout California. Pub. Res. Code §21001(d).  
6 CEQA requires environmental factors to be considered at the “earliest stage . . . before [the  
7 project] gains irreversible momentum” (*Bozung v. LAFCO* (1975) 13 Cal.3d 263, 284 n.28), “at  
8 a point in the planning process where genuine flexibility remains.” *Sundstrom v. County of*  
9 *Mendocino* (1988) 202 Cal.App.3d 296, 307 (internal quotation marks and citation omitted).  
10 Moreover, “the ‘foremost principle’ in interpreting CEQA is that the Legislature intended the  
11 act to be read so as to afford the fullest possible protection to the environment within the  
12 reasonable scope of the statutory language.” *Communities for a Better Env’t v. Cal. Resources*  
13 *Agency* (2002) 103 Cal.App.4th 98, 109.

14 46. CEQA has two primary purposes. First, CEQA is designed to inform decision  
15 makers and the public about a project’s environmental effects. 14 Cal. Code Regs.  
16 §15002(a)(1). “The EIR process protects not only the environment but also informed self-  
17 government.” *Laurel Heights Improvement Ass’n v. Regents of the University of California*  
18 (1988) 47 Cal.3d 376, 392.

19 47. Second, CEQA requires public agencies to identify ways to avoid or reduce  
20 environmental damage and prevent such damage “by requiring changes in projects through the  
21 use of alternatives or mitigation measures when the governmental agency finds the changes to  
22 be feasible.” 14 Cal. Code Regs. §15002(a)(2), (3). Put another way, “agencies are required to  
23 give major consideration to preventing environmental damage” and “should not approve a  
24 project as proposed if there are feasible alternatives or mitigation measures available that would  
25 substantially lessen any significant effects that the project would have on the environment.” 14  
26 Cal. Code Regs. §15021(a).

27 48. CEQA requires that a lead agency analyze all significant environmental effects  
28 of its proposed actions in an EIR. Pub. Res. Code §21100(b)(1); 14 Cal. Code Regs. §15126(a).

1 The EIR must not only identify the effects, but must also provide “information about how  
2 adverse the adverse impact will be.” *Santiago County Water Dist. v. County of Orange* (1981)  
3 118 Cal.App.3d 818, 831. The CEQA Guidelines require: “An EIR should be prepared with a  
4 sufficient degree of analysis to provide decisionmakers with information which enables them to  
5 make a decision which intelligently takes account of environmental consequences.” 14 Cal.  
6 Code Regs. §15151.

7 49. In addition to project-specific effects, an EIR must discuss significant cumulative  
8 impacts. 14 Cal. Code Regs. §15130(a). This requirement flows from Public Resources Code  
9 §21083(b)(2), which requires a finding that a project may have a significant effect on the  
10 environment if “possible effects of a project are individually limited but cumulatively  
11 considerable,” meaning “that the incremental effects of an individual project are considerable  
12 when viewed in connection with the effects of past projects, the effects of other current projects,  
13 and the effects of probable future projects.” The CEQA Guidelines define “cumulative  
14 impacts” as “two or more individual effects which, when considered together, are considerable  
15 or which compound or increase other environmental impacts.” 14 Cal. Code Regs. §15355.  
16 These “individual effects may be changes resulting from a single project or a number of  
17 separate projects.” 14 Cal. Code Regs. §15355(a).

18 50. CEQA requires a lead agency to analyze any growth-inducing effects of a  
19 proposed project. Pub. Res. Code §21100(b)(5); 14 Cal. Code Regs. §15126(d). Further, the  
20 lead agency must discuss the ways in which a project could directly or indirectly foster the  
21 construction of new housing in the surrounding environment. 14 Cal. Code Regs. §15126.2(e).

22 51. One of CEQA’s goals is conserving energy through the wise and efficient use of  
23 energy. CEQA Guidelines, App. F, §I. “The means of achieving this goal include: (1)  
24 decreasing overall per capita energy consumption.” *Id.*

25 52. CEQA requires consideration of a “reasonable range of alternatives that will  
26 foster informed decision making and public participation.” 14 Cal. Code Regs. §15126.6(a).  
27 Discussion of each alternative must be sufficient “to allow meaningful evaluation, analysis, and  
28 comparison with the proposed project.” 14 Cal. Code Regs. §15126.6(d). Agencies can

1 eliminate alternatives from detailed consideration if they are infeasible, fail to meet “most” of  
2 the basic project objectives, or do not avoid significant environmental effects. 14 Cal. Code  
3 Regs. §15126.6(c). That an alternative would not meet every Project objective is not a  
4 sufficient justification for not considering it in detail. *Mira Mar Mobile Community v City of*  
5 *Oceanside* (2004) 119 Cal.App.4th 477, 489; 14 Cal. Code Regs. §15126.6(c). A “feasible”  
6 alternative is one that is “capable of being accomplished in a successful manner within a  
7 reasonable period of time, taking into account economic, environmental, legal, social, and  
8 technological factors.” 14 Cal. Code Regs. §15364. That an alternative may be more expensive  
9 or less profitable does not demonstrate financial infeasibility; there must be “evidence that the  
10 additional costs or lost profitability are sufficiently severe as to render it impractical to proceed  
11 with the project.” *Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167,  
12 1180-81.

13 53. A lead agency must respond to comments received on a draft EIR. Responses to  
14 comments must be detailed, be supported by facts, and be a reasoned, good faith analysis. 14  
15 Cal. Code Regs. §15088(c).

16 54. A lead agency cannot certify an EIR and approve a project with significant  
17 environmental effects unless the agency makes detailed findings supported by substantial  
18 evidence in the administrative record. 14 Cal. Code Regs. §15091.

19 55. CEQA requires a lead agency to recirculate an EIR prior to certification when  
20 “significant new information” is added to the EIR after public review but prior to certification of  
21 the EIR. 14 Cal. Code Regs. §15088.5(a).

22 56. An abuse of discretion under CEQA may be shown either because an agency  
23 failed to proceed in the manner required by law or reached factual conclusions unsupported by  
24 substantial evidence. *E.g., Banning Ranch Conservancy v. City of Newport Beach* (2017) 2  
25 Cal.5th 918, 935. A procedural failure, such as whether an EIR failed to include essential  
26 information, is reviewed *de novo*; in contrast, greater deference is accorded an agency’s factual  
27 conclusions. *Id.* In any event, “the reviewing court is not to ‘uncritically rely on every study or  
28 analysis presented by a project proponent in support of its position. A clearly inadequate or

1 unsupported study is entitled to no judicial deference.” *Berkeley Keep Jets Over the Bay*  
2 *Committee v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Laurel Heights*, 47  
3 Cal.3d at 409 n.12). There is a prejudicial abuse of discretion “if the failure to include relevant  
4 information precludes informed decisionmaking and informed public participation, thereby  
5 thwarting the statutory goals of the EIR process.” *Kings County Farm Bureau v. City of*  
6 *Hanford* (1990) 221 Cal.App.3d 692, 712 (citing *Laurel Heights*, 47 Cal.3d at 403-05).

## 7 **FIRST CAUSE OF ACTION**

### 8 **(Violations of CEQA, Public Resources Code §21000, et seq.)**

9 57. Petitioner realleges and incorporates by reference the paragraphs set forth above.

10 58. CEQA requires that the lead agency for a project prepare an EIR that complies  
11 with the requirements of the statute and the CEQA Guidelines.

12 59. Respondent violated CEQA by certifying an SEIR for the Project that is  
13 inadequate, including as an informational document, and fails to comply with CEQA; by  
14 approving the Project based on the inadequate SEIR; and by making inadequate findings.  
15 Respondent prejudicially abused its discretion because it failed to proceed in a manner required  
16 by law and because its decision is not supported by substantial evidence, which precluded  
17 informed decision making and informed public participation, as set forth below.

18 60. **Growth Inducement and Housing.** The SEIR did not adequately disclose,  
19 analyze, mitigate, or seek alternatives to the Project’s growth-inducement effects, including  
20 with respect to housing, and did not adequately discuss the construction of additional housing.

21 61. **Energy.** The SEIR did not adequately disclose, analyze, mitigate, or seek  
22 alternatives to the Project’s significant and cumulative energy effects, including by:

- 23 a. failing to discuss alternatives to the Project’s diesel generators;
- 24 b. failing to discuss decreasing overall per capita energy consumption or how it would  
25 achieve the goal of conserving energy through the wise and efficient use of energy; and
- 26 c. failing to provide substantial evidence that the Project would achieve a wise and  
27 efficient use of energy, including by decreasing overall per capita energy consumption.
- 28

1           62.     **Transportation and Traffic.** The SEIR did not adequately disclose, analyze, or  
2 mitigate the Project’s direct, indirect, and cumulative transportation and traffic effects,  
3 including by:

- 4           a.     failing to include and fully analyze all traffic effects resulting from the Project;
- 5           b.     failing to analyze safety issues before certifying the EIR and failing to provide  
6 substantial evidence that the Project’s effects on safety are less than significant; and
- 7           c.     failing to incorporate all feasible mitigation and traffic reduction measures.

8           63.     **Greenhouse Gases.** The SEIR failed to disclose, analyze, or mitigate the  
9 Project’s direct, indirect, and cumulative greenhouse gas effects, including by failing to discuss  
10 how the Project would affect the ability to meet the Regents’ requirements for the Sacramento  
11 Campus.

12           64.     **Alternatives.** Respondent’s findings with respect to alternatives were inadequate  
13 as was the SEIR in supporting the findings. The SEIR also failed to analyze a reasonable range  
14 of alternatives sufficient to foster informed decision making and informed public participation,  
15 including by:

- 16           a.     failing to analyze reasonable housing alternatives;
- 17           b.     failing to include sufficient information to allow the public and decision makers to  
18 meaningfully compare the effects of each alternative to the Project’s effects; and
- 19           c.     failing to consider additional feasible alternatives that would reduce significant  
20 effects.

21           65.     **Failure to Recirculate.** Respondent did not recirculate the SEIR even though  
22 between the Draft and Final SEIR, in response to Local 3299’s comment, the impact on  
23 wasteful, inefficient, or unnecessary consumption of energy resources during project  
24 construction or operation was changed from “less than significant” to “less than significant with  
25 mitigation.” Final SEIR, Volume 1 at 3.5-11, Volume 3 at 2-130, 4-7. This constituted a  
26 disclosure showing significant new information requiring recirculation prior to certification. 14  
27 Cal. Code Regs. §15088.5.

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**VERIFICATION**

I, Liz Perlman, am the Executive Director of Petitioner American Federation of State, County, and Municipal Employees Local 3299. I have read the foregoing Verified Petition for Writ of Mandate. The facts alleged in the above Petition are within my own knowledge and I know these facts to be true, except as to any matters alleged therein on information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 21, 2020, in Oakland, California.



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Liz Perlman



# EXHIBIT 1



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www.lozeaudrury.com  
rebecca@lozeaudrury.com

*By U.S. Mail & E-mail*

December 10, 2020

Office of the Secretary and Chief of Staff to the Regents  
1111 Franklin St., 12th floor  
Oakland, CA 94607  
Email: regentsoffice@ucop.edu

**Re: Notice of Intent to File Suit Under the California Environmental Quality Act  
Regarding the Final Supplemental EIR for UC Davis Sacramento Campus 2020  
LRDP Update and Aggie Square Phase I (SCH No. 2020020161)**

To the Regents of the University of California:

Please take notice that, pursuant to Public Resources Code § 21167.5, the American Federation of State, County, and Municipal Employees, Local 3299 (“Petitioners”) intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief (“Petition”) under the provisions of the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000, *et seq.*, against Respondent the Regents of the University of California challenging its November 19, 2020 decisions including its: 1) certification of the Final Supplemental EIR for the Sacramento Campus 2020 Long Range Development Plan and Aggie Square Phase I, 2) adoption of the Sacramento Campus 2020 Long Range Development Plan, and 3) approval of Aggie Square Phase I (collectively, the “Project”).

Among other issues, Petitioner will allege that Respondent failed to proceed in the manner required by law and without substantial evidence by certifying an EIR that fails to properly disclose, analyze, and mitigate the Project’s potential significant individual and cumulative impacts. The petition being filed will seek the following relief:

1. For a stay pending trial of Respondent’s decisions approving the Project.
2. For a peremptory writ of mandate ordering:
  - a. Respondent to vacate and set aside their certification of the EIR for the Project, adoption of the Statement of Overriding Considerations, and decisions approving the Project;
  - b. Respondent and Real Party in Interest to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alternation to the physical environment until Respondent has

- taken all actions necessary to bring the certification and Project approvals into compliance with CEQA; and
- c. Respondent to prepare, circulate, and consider an EIR in compliance with CEQA prior to any subsequent action to approve the Project.
  3. For the costs of suit.
  4. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.
  5. For any other equitable or legal relief that the Court considers just and proper.

Petitioner urges Respondent to rescind the Notice of Determination and the approvals for the Project, to conduct the appropriate environmental review, and to prepare the appropriate CEQA document for the Project as required by law.

Sincerely,



Rebecca L. Davis  
Lozeau Drury LLP  
Attorneys for Petitioners

**PROOF OF SERVICE**

I, Toyer Gear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison St., Suite 150, Oakland, CA 94612.

On December 10, 2020, I served a copy of the foregoing document entitled:

**Notice of Intent to File Suit Under the California Environmental Quality Act  
Regarding the Final Supplemental EIR for UC Davis Sacramento Campus 2020  
LRDP Update and Aggie Square Phase I (SCH No. 2020020161)**

on the following parties:

Office of the Secretary and Chief of Staff to the  
Regents  
1111 Franklin St., 12th floor  
Oakland, CA 94607  
Email: regentsoffice@ucop.edu

<input checked="" type="checkbox"/>	<b>BY MAIL.</b> By placing the document listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.
<input checked="" type="checkbox"/>	<b>BY EMAIL.</b> By sending the documents as an electronic mail attachment in PDF format to the e-mail address above.
<input type="checkbox"/>	<b>BY FACSIMILE TRANSMISSION.</b> By sending the documents via facsimile transmission to the fax telephone number identified above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed December 10, 2020 at Oakland, California.

  
\_\_\_\_\_  
Toyer Gear

# EXHIBIT 2

Jonathan Weissglass (SBN 185008)  
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Attorney for Petitioner American Federation of State,  
County, and Municipal Employees Local 3299

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SACRAMENTO**

AMERICAN FEDERATION OF STATE,  
COUNTY, AND MUNICIPAL  
EMPLOYEES, LOCAL 3299,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Respondent,

UNIVERSITY OF CALIFORNIA, DAVIS  
HEALTH; and WEXFORD SCIENCE &  
TECHNOLOGY, LLC,

Real Parties in Interest.

Case No.

**PETITIONER'S NOTICE OF INTENT TO  
PREPARE ADMINISTRATIVE RECORD**


[California Environmental Quality Act  
("CEQA"), Pub. Res. Code §21000, *et seq.*;  
C.C.P. §§1094.5, 1085]

1 Pursuant to Public Resources Code §21167.6(b)(2), Petitioner American Federation of State,  
2 County, and Municipal Employees, Local 3299, hereby notifies all parties that Petitioner elects to  
3 prepare the administrative record relating to the above-captioned action challenging the November  
4 19, 2020 decisions of Respondent The Regents of the University of California to approve the  
5 University of California Davis' Sacramento Campus 2020 Long Range Development Plan Update  
6 and Aggie Square Phase I.

7 Respondent and Real Parties in Interest are directed not to prepare the administrative record  
8 for this action and not to expend any resources to prepare the administrative record.

9 Dated: December 21, 2020

Jonathan Weissglass  
Law Office of Jonathan Weissglass

10  
11 

12  
13 By: \_\_\_\_\_  
Jonathan Weissglass

14 Attorney for Petitioner American Federation of State,  
15 County, and Municipal Employees Local 3299